Editor's note: Appealed -- aff'd, Civ.No. 1757-12 (D.Nev. Feb. 7, 1973), motion to set aside judgment denied (March 5, 1973)

DUNCAN MILLER

IBLA 72-180 Decided May 17, 1972

Appeal from a decision of the New Mexico State office, BLM,, NM-A 023530 (Okla.), notifying the lessee of an increase in rental rate by reason of the land being included in a KGS and requiring a bond.

Dismissed.

Rules of Practice: Statement of Reasons

> Where an appellant states that he questions the validity of a decision and is bewildered by it without pointing out wherein the decision appealed from is believed to be erroneous, he has failed to file a statement of reason for his appeal as required by the rules of practice and the appeal will be dismissed.

APPEARANCES: Duncan Miller, pro se.

By the Board.

Pursuant to a report from the Geological Survey that the lands embraced in appellant's lease are within a known geologic field of producing oil and gas, the BLM notified the appellant of the provisions of 43 CFR 3104.1(b) concerning the proper rental for lands within a KGS; he was required to post bond. Thereupon the appellant wrote stating "I am somewhat confused by your decision, since Jones and Pellow as I recall, are the ones that should be responsible." Two days later he wrote the following:

NOTICE OF APPEAL WITH REASONS

> The appealed from Decision's validity is negated by dryholes.
> Dismisal (sic) has been the word for the area's drilling exploration for petroleum; hence, the captioned Decision bewilders the lessee.

Six months later (April 25, 1972) he wrote to the BLM state office as follows:

> Clarification in the problems involving this lease will be appreciated. The lessee is extremely confused.

After the discovery of gas in the SE 1/4 sec. 17, T. 24 N., R, 22 W.9 I-M,, Oklahoma, the Geological Survey reported all of section 17 within the undefined limits of a known geological structure. The appellant's lease, embracing the NE 1/4 sec. 17, was included within the undefined field. Then, in accordance with 43 CFR 3104.1(b) the lessee was informed concerning the increased rental due for the next lease year and was required to submit a $1,000 bond.

Mr. Miller did not submit a bond. Instead he filed the appeal and statement of reasons as noted above. But neither the appeal nor this statement of reasons contain any evidence to refute the classification. Although he has made averments of bewilderment and confusion, the appellant has neither pointed out wherein the decision appealed from is in error nor has he addressed himself to the immediate requirement for posting a bond.

The appellant was previously informed that an appeal which fails to point out wherein the decision appealed from is believed to be erroneous fails to state reasons for the appeal as required by the rules of practice (43 CFR 4.413) and will be dismissed. See, among others, Duncan Miller, 65 I.D. 290 and 380: A-31027 (August 13, 1969); A-27715-A (August 6, 1958); A-27720 (November 7, 1958): A-27893 (March 5, 1959).

Therefore, pursuant to the authority delegated to the Board of Land Appeals, 211 DM 13.5; 35 F. R. 12081, the appeal is dismissed.